

HOUSE BILL NO. 105

INTRODUCED BY PARKER

A BILL FOR AN ACT ENTITLED: "AN ACT ~~PROVIDING FOR~~ ALLOWING PROVIDING FOR PARTIAL PAYMENT OF THE SALARY OF A DEPUTY SHERIFF INJURED IN THE PERFORMANCE OF THE DEPUTY SHERIFF'S DUTY; ~~AND PROVIDING FOR ASSIGNMENT TO LIGHT DUTY OR ANOTHER DEPARTMENT OR AGENCY; PROVIDING THAT THE DEPUTY SHERIFF AND EMPLOYER RETIREMENT CONTRIBUTIONS~~ MUST BE BASED ON TOTAL COMPENSATION; AND REPEALING SECTION 19-7-810, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Payment of partial salary of deputy sheriff injured in performance of duty. (1) A deputy sheriff who is injured in the performance of the deputy sheriff's duties and who requires medical or other remedial treatment for injuries that render the deputy sheriff unable to perform the deputy sheriff's duties ~~must~~ MAY MUST be paid by the county the difference between the deputy sheriff's net salary, following adjustments for income taxes and pension contributions, and the amount received from workers' compensation until the disability has ceased, as determined by workers' compensation, or for a period not to exceed 1 year, whichever occurs first.

(2) To qualify for the partial salary payment provided for in subsection (1), the deputy sheriff must be unable to perform the deputy sheriff's duties as a result of the injury.

NEW SECTION. SECTION 2. ASSIGNMENT TO LIGHT DUTY OR OTHER AGENCY. (1) WHENEVER, IN THE OPINION OF THE COUNTY AND SUPPORTED BY A HEALTH CARE PROVIDER'S OPINION, THE DEPUTY SHERIFF IS ABLE TO PERFORM SPECIFIED TYPES OF LIGHT DUTY, PAYMENT OF THE OFFICER'S PARTIAL SALARY AMOUNT UNDER [SECTION 1] MUST BE DISCONTINUED IF THE DEPUTY SHERIFF REFUSES TO PERFORM LIGHT DUTY WHEN IT IS AVAILABLE AND OFFERED TO THE DEPUTY SHERIFF. LIGHT DUTY MUST BE CONSISTENT WITH THE TYPE OF DUTIES ASSIGNED TO A DEPUTY SHERIFF.

(2) WITH THE DEPUTY SHERIFF'S CONSENT, THE THE DEPUTY SHERIFF MAY BE TRANSFERRED TO ANOTHER DEPARTMENT OR AGENCY WITHIN THE COUNTY.

NEW SECTION. SECTION 3. CONTRIBUTIONS BASED ON TOTAL COMPENSATION WHEN MEMBER RECEIVES

DISABILITY COMPENSATION. WHEN A MEMBER RECEIVES COMPENSATION FROM BOTH THE MEMBER'S EMPLOYER AND THE WORKERS' COMPENSATION PROGRAM UNDER THE PROVISIONS OF [SECTION 1], THE MEMBER'S COMPENSATION REPORTED BY THE EMPLOYER IS THE SAME AS IF THE MEMBER WAS IN ACTIVE SERVICE, AND THE MEMBER AND EMPLOYER CONTRIBUTIONS REQUIRED BY THIS CHAPTER MUST BE CALCULATED AND PAID ON THAT TOTAL COMPENSATION.

NEW SECTION. SECTION 4. REPEALER. SECTION 19-7-810, MCA, IS REPEALED.

NEW SECTION. Section 5. Codification instruction. (1) [Section SECTIONS 1 AND 2] is ARE intended to be codified as an integral part of Title 7, chapter 32, part 21, and the provisions of Title 7, chapter 32, part 21, apply to [section SECTIONS 1 AND 2].

(2) [SECTION 3] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 19, CHAPTER 7, PART 4, AND THE PROVISIONS OF TITLE 19, CHAPTER 7, PART 4, APPLY TO [SECTION 3].

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